

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

12/5/2005 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 04-00322DAE
CR 05-00049DAE

CASE NAME: USA v. Abrahan Nguyen Martin

ATTYS FOR PLA: William Shipley

ATTYS FOR DEFT: Michael Weight

USPO: Ellie Asasaki

JUDGE: David Alan Ezra

REPORTER: Cynthia Fazio

DATE: 12/5/2005

TIME: 9:00am-9:45am

COURT ACTION: EP: Sentencing to Counts 9, 11, 12, 13, 16, 17, 20, 22, 27, 29, 30, 32, 34, 38, 40, 42, 44, 46, 48, 49, 50, 53, 54, 56, 57, 58, 59, 63, 68, 69, 71, 72, 75, 76, and 77 of the Superseding Indictment in CR 04-00322, and sentencing to Counts 9 and 10 of the Felony Information in CR 05-00049DAE as to Defendant (01) Abraham Nguyen Martin.

Defendant Abrahan Nguyen Martin present, not in custody.

Memorandum Plea Agreements are accepted.

Presentence Report adopted. Sentencing recommendations heard. Allocution by Defendant Abrahan Nguyen Martin.

SENTENCE:

Imprisonment: 70 MONTHS as to Counts 9, 11, 12, 13, 16, 17, 20, 22, 27, 29, 30, 32, 34, 38, 40, 42, 44, 46, 48, 49, 50, 53, 54, 56, 57, 58, 59, 63, 68, 69, 71, 72, 75, 76, and 77 of the Superseding Indictment in CR 04-00322DAE, and Count 9 of the Felony Information in CR 05-00049DAE; and 60 MONTHS as to Count 10 of the Felony Information in CR 05-00049DAE, with all such terms to run concurrently

Supervised Release: 5 YEARS as to Counts 9, 12, 13, 20, 22, 27, 29, 30, 32, 34, 38, 40, 42, 44, 46, 54, 59, 63, 68, 69, 72, 75, 76, and 77 of the Superseding Indictment in CR 04-00322DAE; and 3 years as to Counts 11, 16, 17, 48, 49, 50, 53, 56, 57, 58, and 71 of the Superseding Indictment in CR 04-00322DAE and Counts 9 and 10 of the Information in CR 05-00049DAE, with all such terms to run concurrently

CONDITIONS:

1. Defendant shall abide by the standard conditions of supervision.
2. Defendant shall not commit any federal, state, or local crimes.
3. Defendant shall not possess illegal controlled substances.
4. Defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. Defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision.
6. That the defendant shall participate and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office.
7. The defendant is to refrain from the possession and/or use of alcohol.
8. Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
9. The restitution of \$37,149.91 is due immediately, of which \$29,745.62 (owed to Chase Manhattan Bank, Tai Seng Video and Asia View Entertainment) is to be paid jointly with codefendant Anna Martin, and any remaining balance upon release from confinement be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of his monthly gross income. Interest is waived while the defendant is serving his term of imprisonment and shall commence to accrue on any remaining balance upon his release on supervision. Restitution is due as follows:

Hawaii National Bank	\$	5,324.63
Attn: Gilbert Shimatsu		
Security Officer		
P.O. Box 3740		
Honolulu, Hawaii 96812		

D.M., Jr.	\$	2,079.66
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Chase Manhattan Bank	\$	16,455.62
Chase Bank USA, N.A.		
P.O. Box 15650		
Wilmington, DE 19886-5650		

Tai Seng Video	\$	4,620.00
Attn: Alan T. Huie		
General Counsel Tai Seng		
Video Entertainment		
180 South Spruce Avenue Ste 250		
South San Francisco, CA 94080		

Asia View Entertainment	\$	8,670.00
Attn: Alan T. Huie		
General Counsel Tai Seng		
Video Entertainment		
180 South Spruce Avenue Ste 250		
South San Francisco, CA 94080		

10. Defendant shall be prohibited from incurring credit charges and lines of credit without the approval of the Probation Office.
11. Defendant shall execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
12. Defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Special Assessment: \$100.00.

JUDICIAL RECOMMENDATIONS: Lompoc, CA.

Defendant advised of his right to appeal.

Government's Oral Motion to all remaining counts as to this Defendant Only in CR 04-00322DAE AND CR 05-00049DAE- GRANTED.

Mittimus is stayed until 3/6/2006 @2:00pm, local time.

Defendant to self-surrender @2:00 p.m. on 3/6/2006 at the facility designated by the Bureau of Prisons. The time is the time at the facility.

Submitted by: Theresa Lam, Courtroom Manager